

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 29, 1998

DIVISION ONE

B109072 People (Not for Publication)

V.
Gomez

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B114597 People (Not for Publication)

V.
Russell

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B114927 People (Not for Publication)

v.
Abraham

The judgment is affirmed.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

June 29, 1998-Continued

DIVISION ONE (Continued)

B113585 People (Not for Publication)
v.
Poole

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B109856 People (Not for Publication)
v.
Harrison, et al.

The judgments are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B112642 People (Not for Publication)
v.
Duron

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

June 29, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B105636 People (Not for Publication)
v.
Rosales

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

June 29, 1998-Continued

DIVISION ONE (Continued)

B117990 People (Not for Publication)
v.
Vasquez

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B113944 People (Not for Publication)
v.
Wolf

Wolf's conviction of count 1 is reversed, and the two \$50 laboratory fees are stricken. In all other respects, the judgment is affirmed, and the cause is remanded to the trial court with directions to enter a corrected abstract of judgment.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B119047 Bill K., Jr., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Dept. of Children & Family Services, r.p.i.)

The petitions are denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

June 29, 1998-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B108956 Drake (Not for Publication)
v.
Kirkpatrick
Estate of Madeline L. Kirkpatrick, Deceased.

The judgment is affirmed insofar as it determines that, at the time of Madeline's death, the Long Beach house was held in joint tenancy by T.J. and Madeline, and that T.J. is now the owner. In all other respects, the judgment is reversed, and the cause is remanded to the trial court with directions to (1) revoke Daniel's letters of administration and direct him to submit an accounting; (2) appoint T.J. as the administrator of Madeline's estate; (3) declare the Bank of America accounts to be T.J.'s property by right of survivorship; and (4) make such other orders as may be required to carry out the intent of this opinion. T.J. is awarded his costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B112249 People
v.
Daniel Etheridge

Filed order correcting clerical error in the opinion filed May 28, 1998.

DIVISION ONE (Continued)

B113211 Wills (Not for Publication)
v.
Vargas et al.

The judgment is reversed insofar as it awards non-economic damages of \$1,200,000 to Wills; in all other respects, the judgment is affirmed; and the cause is remanded for a new trial on the limited issue of non-economic damages. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
Dunn, J. (Assigned)

B116146 Los Angeles County, D.C.S. (Not for Publication)
v.
Henry J.
In re Luis G. et al., minors

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION ONE (Continued)

B11588 People (Not for Publication)
v.
Rognilie

Rognlie's convictions of counts 1, 3, 4 and 5 and the allegations ancillary thereto are reversed; in all other respects, the judgment is affirmed, and the cause is remanded to the trial court for resentencing and for entry of a judgment of acquittal as to counts 1, 3, 4 and 5 and the allegations ancillary thereto.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

B111350 People v. Nichols (Not for Publication)
B117559 In re Nichols on Habeas Corpus

The judgment is affirmed. The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B120299 Rocky F. (Not for Publication)
v.
Superior Court, Los Angeles County
(Dept. of Children & Family Services, r.p.i.)

The petition is denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION ONE (Continued)

B109791 Truck Insurance Exchange (Not for Publication)
 v.
 Stathoulis et al.

The judgment is affirmed. Truck is awarded its costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Masterson, J.
 Dunn, J. (Assigned)

DIVISION TWO

B103031 People (Not for Publication)
 v.
 Jackson & Tleel

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

B107645 Holguin, et al. (Not for Publication)
 v.
 State of California

The denial of the State's motion for judgment notwithstanding the verdict is reversed. The case is remanded with directions to enter judgment in favor of the State of California. The parties are to bear their own costs.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

June 29, 1998-Continued

DIVISION TWO (Continued)

B114663 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Fukuto, J.

B115642 People (Not for Publication)
v.
Ramirez

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B113861 People (Not for Publication)
v.
Caufield

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

DIVISION THREE

B115722 Garau (Not for Publication)

v.
Hahn, et al.

The order of dismissal is affirmed. Hahn and Hokinson shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B108078 People (Certified for Publication)

v.
Bento et al.

The judgments are affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

B112222 People (Not for Publication)

v.
Carvajal

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Cooper (F.M.), J. (Assigned)

DIVISION FOUR (Continued)

B112572 People (Not for Publication)
v.
Manzano

The judgment is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.
Hastings, J.

B114791 People (Not for Publication)
v.
Darrin N.

The Court:

For the foregoing reasons, the matter is remanded for the limited purpose of a determination and declaration of whether count 1 is a misdemeanor or a felony and for correction of the minute order in accord with this opinion. In all other respects the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B115490 People (Not for Publication)
v.
Ian M.

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

June 29, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B109024	People v. Rodriguez	(Not for Publication)
B117824	In re Rodriguez on Habeas Corpus	

The judgment is affirmed. Petition for Writ of Habeas Corpus is denied.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B118377 Johnson (Certified for Publication)
v.
Workers' Compensation Appeals Board et al.

The decision of the board is annulled insofar as it denied petitioner temporary rehabilitation benefits from October 7, 1995 through September 4, 1996. The case is remanded for further proceedings consistent with this opinion.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B119380 Universal City Nissan, Inc. (Certified for Publication)
v.
Superior Court of Los Angeles County
Magdamo et al.

The writ of mandate is denied and the stay is dissolved. Universal City Nissan is to bear its own costs for this proceeding.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B110078 Oscar Joel Bryant Association et al. (Not for Publication)
v.
Los Angeles Police Protective League et al.

On the first cause of action, the judgment (order of dismissal) is affirmed as to OJB, Diane Anderson, and Leonard Ross, and reversed as to Carl Steel and Robert Grant, with leave to amend the complaint. The judgment is affirmed as to all appellants on the second cause of action. The judgment is affirmed on the fourth cause of action as to OJB, and reversed as to the remaining appellants with leave to amend. OJB is to bear its own costs on appeal, and the individual appellants are to have their costs.

Epstein, Acting P.J.

We concur: Hastings, J.
 Cooper (F.M.), J. (Assigned)

B115735 Gutierrez (Not for Publication)
v.
Pacific Fresh Foods, Inc.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Cooper (F.M.), J. (Assigned)

June 29, 1998-Continued

DIVISION FOUR (Continued)

B113126 Nicklas, a Minor, etc., et al. (Not for Publication)
 v.
 Cruz et al.

The judgment is affirmed.

Cooper (F.M.), J. (Assigned)

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FIVE

B111526 Jerry L. Webb (Not for Publication)
 v.
 Susan Goldberg et al.

The appeal is dismissed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B097440 Peter Verney et al.
B105429 v.
B114261 Jeunique International, Inc.

Filed order vacating the opinion dated June 22, 1998, and directing the opinion to be refiled this date.

DIVISION SIX

B105545 Los Carneros Community Associates (Certified for Publication)
v.
Penfield Smith Engineers, Inc., et al.

The judgment of dismissal and order awarding costs and attorney's fees are reversed. Costs are awarded to appellants.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B115772 Leasure (Certified for Publication)
v.
MSI Insurance Co.

The judgment is reversed. Respondent shall bear costs on appeal.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.